

Divorce

The grounds

There is only one ground for divorce in England and Wales and that is that the marriage has irretrievably broken down.

You must rely on one of the following five facts in order to prove that the marriage has irretrievably broken down:

1. Your husband/wife has committed adultery and you find it intolerable to live with him/her
2. Your husband/wife has behaved in such a way that you cannot reasonably be expected to live with him/her
3. You have been separated for at least 2 years and your husband/wife consents to the divorce
4. You have been separated for 5 years or more (your husband/wife need not consent to the divorce)
5. Your husband/wife deserted you at least two years ago

The process

To start divorce proceedings, you must first of all lodge a divorce petition with the Court setting out the fact that you intend to rely on.

The Court will then send a copy of the divorce petition to your husband/wife who is known as the Respondent in the divorce proceedings. The Respondent must then return an Acknowledgment of Service Form to the Court to confirm whether or not he/she intends to contest the divorce.

Once the Court is satisfied that you are entitled to a divorce, you will be in a position to apply for the first stage of the divorce, known as the decree nisi.

You will be able to apply for the decree absolute (the final stage of the divorce) six weeks and one day following the pronouncement of the decree nisi. The decree absolute certifies that you and your husband/wife are no longer married.

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Timescales

A standard uncontested divorce usually takes around 4 to 6 months. If there are finances to sort out you may be advised to delay applying for the decree absolute until such matters have been resolved.

See our section on **finance and money** for more information.

Cost

The Court fee for issuing divorce proceedings is currently £550.

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